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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/116,138	07/15/1998	JOHN MARK ANTHONY	T1-24953	2214	
23494	7590 12/16/2003		EXAMINER		
	STRUMENTS INCOR	COLEMAN, WILLIAM D			
P O BOX 65 DALLAS, T	5474, M/S 3999 `X 75265	ART UNIT •	PAPER NUMBER		
Dillens, I			2823		

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Examin r W. David Coleman 2823 Th MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
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DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

- 2. Applicant's arguments filed August 20, 2002 have been fully considered but they are not persuasive.
- 3. Applicants contend that Hsieh, U.S. Patent 4,432,035 herein known as Hsieh fails to anticipate claim 1 because claim 1 is limited to method of fabricating a field-effect device.
- 4. In response to Applicants contention that Hsieh fails to teach each and every limitation of claim1, the Examiner objects to Applicants Oath & Declaration because an inventor swears that he/she is the first to invent or make an improvement, however in light of the arguments, it is well known that William Shockley, Walter Brattain and John Bardeen built the first working transistor and they are not listed on the Oath and Declaration. It appears that Applicants arguments are sincere, however, there is no possible way that Applicants could make a claim for an invention and argue that Hsieh's invention is not a field effect device having a gate electrode. The Examiner provides Applicants with supplemental citations (*Device Electronics For Integrated Circuits*, 2nd Ed., Muller et al., John Wiley & Sons, © 1986 "The Biographical Dictionary of Scientists, 3nd edition, vol. 1, Oxford University Press, NY, © 1984/1985 for scientist and engineers, pp. 120-121) to show that it is well known that a MOS device is a field effect device having a gate electrode, and that Shockley, Brattain and Bardeen were the first to disclose the field effect device.

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5. Applicants contend that the MOS system of Hsieh does not disclose forming a conductive

gate overlying the metal silicate dielectric layer.

6. In response to Applicants contention that Hsieh fails to disclose forming a conductive

gate overlying the metal silicate dielectric layer, please see FIG. 2 where a conductive gate 12' is

formed overlying the metal silicate dielectric layer. Applicants arguments reveal that they could

not possibly possess the claimed invention due to the lack of understanding of Silicon

Technology and the MOS system. These arguments are not expected from inventors experienced

with an understanding of integrated circuits incorporating silicon technology.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hsieh et al., U.S.

Patent 4,432,035.

8.

9. Hsieh discloses a semiconductor process as claimed. See FIGS. 1-8, where Hsieh

substantially teaches the claimed invention.

10. Hsieh teaches a method of fabricating a field-effect device on an integrated circuit,

comprising the steps of:

providing a single-crystal silicon substrate;

forming a metal silicate dielectric layer 12' on the substrate 10; and

forming a conductive gate 14 overlying the metal silicate dielectric layer.

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Objection

11. Claims 26, 27 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. David Coleman whose telephone number is 703-305-0004. The examiner can normally be reached on 9:00 AM-5:00 PM. After February 4, 2004 please call 571-272-1856.
- 13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.
- 14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

David Coleman

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Primary Examiner

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WDC